

EXHIBIT 3

**DECLARATION OF ARTHUR F. RADKE IN SUPPORT OF THE
MOTION FOR SUMMARY JUDGMENT OF PNC BANK**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

DAWARI DAN-HARRY, on behalf of himself) Civil Action No. 1:17-cv-136-WES-PAS
and all others similarly situated,)
)
Plaintiff,)
)
vs.)
)
)
PNC BANK, NATIONAL ASSOCIATION,)
)
Defendant.)

**FIRST REQUESTS FOR ADMISSIONS OF PNC BANK, NATIONAL ASSOCIATION
DIRECTED TO PLAINTIFF, DAWARI DAN-HARRY**

Defendant, PNC Bank, National Association, (“PNC”), through its attorneys, propounds the following requests for admission pursuant to Rule 36 of the Federal Rules of Civil Procedure to be answered under oath by Plaintiff, Dawari Dan-Harry, within 30 days of service.

DEFINITIONS AND INSTRUCTIONS

1. All capitalized terms used in these requests for admission that are also used in the Complaint have the same meaning as in your Complaint.
2. “Mortgage Loan” means the loan owed to PNC Bank as established by the “Dan-Harry Note” and secured by the “Dan-Harry Mortgage” as described in your Complaint.
3. The terms “you” and “your” means the plaintiff, Dawari Dan-Harry, and *excludes* persons acting on plaintiff’s behalf.
4. “PNC” refers to the defendant, PNC Bank, National Association.
5. To the extent not otherwise defined herein, all terms shall be as defined in the

FIRST SET OF INTERROGATORIES OF PNC BANK, NATIONAL ASSOCIATION
DIRECTED TO PLAINTIFF, DAWARI DAN-HARRY, served concurrently.

REQUESTS FOR ADMISSION

1. Your last mortgage payment to PNC on the Mortgage Loan was made on or about December 1, 2011.
2. You were in default under the Mortgage Loan as of February 27, 2012, having missed monthly payment in January 2012 and February 2012.
3. You received an original or copy of the letter attached as Exhibit A, which letter is dated February 27, 2012.
4. Prior to the filing of the Complaint, you possessed a copy of the letter attached as Exhibit A.
5. You did not respond to the February 27, 2012 letter from PNC.
6. You received an original or copy of the letter dated March 1, 2012 attached as Exhibit B from PNC.
7. Prior to the filing of the Complaint, you possessed a copy of the March 1, 2012 letter attached as Exhibit B.
8. You have not responded to the March 1, 2012 letter attached as Exhibit B.
9. You did not have sufficient cash or other funds available on March 1, 2012 to make payments on the Mortgage Loan.
10. You did not have sufficient cash or other funds available on March 1, 2012 to pay both all debt obligations and payments due on the Mortgage Loan.
11. You did not have sufficient cash or funds available at any time between March 1, 2012 and January 23, 2017 to make any payments on the Mortgage Loan.
12. You had no equity in the property securing the Mortgage Loan as of March 1, 2012.

13. You are aware of no facts supporting your contention that you had any equity in the property securing the Mortgage Loan as of January 23, 2017 even if you had participated in a face-to-face meeting with PNC on or after March 1, 2012.

14. You have not paid any fees or costs in connection with the foreclosure of the property securing the Mortgage Loan.

15. You did not suffer any emotional or mental distress as a result of not participating in a face-to-face meeting with PNC.

16. You did not consult with any healthcare professional regarding any emotional or mental distress from March 1, 2012 to the date these requests for admission were signed.

17. You did not consult with any healthcare professional regarding any emotional or mental distress from March 1, 2012 to date of the filing of the Complaint.

18. You were not treated by any healthcare professional regarding any emotional or mental distress from March 1, 2012 to the date these requests for admission were signed.

19. You were not treated by any healthcare professional regarding any emotional or mental distress from March 1, 2012 to the date of the filing of the Complaint.

20. You did not cooperate with PNC at any time after March 1, 2012 in an attempt to secure a modification of the Mortgage Loan.

21. You did not contact any other lender or mortgage broker at any time after March 1, 2012 in an attempt to secure a loan to refinance your mortgage or otherwise pay off or pay down your Mortgage Loan.

22. You sent the letter dated August 12, 2012 attached as Exhibit C to PNC.

Dated: October 5, 2017

PNC BANK, NATIONAL ASSOCIATION

By: /s/ Arthur F. Radke

Brett Natarelli, Admitted *Pro Hac Vice*
Arthur F. Radke, Admitted *Pro Hac Vice*
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/s/ Harris K. Weiner

Harris K. Weiner (#3779)
SALTER, MCGOWAN, SYLVIA
& LEONARD, INC.
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Providence, RI 02903
Tel.: 401.274.0300
hweiner@smsllaw.com

EXHIBIT A

REPRESENTATION OF FACTS - DOCUMENT



P.O. Box 1820
Dayton, OH 45401-1820



7107 8381 6541 1823 6647

0004417322_0

PNC Mortgage
3232 Newmark Drive
Miamisburg, Ohio 45342
Telephone: (937) 910-1200

Mailing Address:
P.O. Box 1820
Dayton, Ohio 45401-1820

February 27, 2012

72321 000806

Dawari D Dan Harry
84 Corinth St
Providence RI 02907

Certified Mail / Return
Receipt Requested

RE: Loan No. 0004417322

Dear Customer:

PNC Mortgage, a division of PNC Bank, National Association ("PNC Mortgage") realizes no one intends to miss mortgage payments. Unexpected events beyond your control may be contributing to your difficulty meeting the mortgage obligations.

PNC Mortgage has contracted with J. M. Adjustment Services, LLC to coordinate with you and to offer you the option to schedule a free face-to-face meeting with a J. M. Adjustment Services, LLC representative at your home to discuss solutions that may be available to bring your account back to a current status. The purpose of this meeting would be to discuss ways to cure the delinquency or qualify you for an option to bring your account current over a period of time.

A representative of J. M. Adjustment Services, LLC will be coming to your home in the next 30 days in order to discuss solutions that may be available to you to bring your account current. If you would like to set up an appointment, please contact PNC Mortgage directly at 800-523-8654.

Sincerely,

PNC Mortgage

FF100 KCQ

EXHIBIT B



March 1, 2012

DAWARI DAN HARRY
84 CORINTH ST
PROVIDENCE, RI 02907

Dear DAWARI DAN HARRY:

Please contact PNC Mortgage at 1-(800)523-8654 between the hours listed below.

Please call PNC Mortgage during the hours listed below:

Monday - Friday	8:00AM - 9:00PM (EST)
Saturday	8:00AM - 2:00PM (EST)

It is important for you to respond to this letter immediately.

Sincerely,

PNC Mortgage

This is an attempt to collect a debt. Any information obtained will be used for that purpose. However, if you have received a discharge in bankruptcy affecting our right to collect your loan as a personal obligation, and if the loan was not reaffirmed in the bankruptcy case, PNC Mortgage, a division of PNC Bank, National Association will only exercise its rights against the property itself, and is not attempting to collect the discharged debt from you personally.

This is a confidential communication for the above named individual or firm.

EXHIBIT C

Dawari D. Dan-Harry
84 Corinth Street
Providence, RI 02907

AUG 17 2012

August 12, 2012

PNC Mortgage
B6-YM09-01-1
DFS Support
3232 Newark Dr,
Miamisburg, OH 45342

Loan Number: 0004417322

Dear Sir/Madam

More than four years ago Bank of America informed me that the value of the property at 84 Corinth Street, Providence, RI 02907, where I live is less than \$41,000.00. I had an independent appraisal appraise it. The appraisal put the value at \$40,000.00. However, I continued to pay my mortgage on time never late. There are after, for two and half years I was unemployed and again continued to pay my mortgage on time never late.


Late last year I had another appraisal done, the appraisal put the value at less than \$30,000.00, and two people I know with knowledge of real estate in this area qualifies that appraisal by saying if you can find someone who will buy it. The house adjacent to 84 Corinth Street, Providence, RI 02907 has been up for sale for more than four years and no buyers. The price has been lowered to \$15,000.00 still no buyer.

Right now, I am doing business and averages about \$400.00 a week. I can also send you my corporate bank statement from Bank of America.

If you can come up with amortization schedules based on the current value of the house, I will pay. But you cannot say you want to help by having me pay an amount that does not reflect reality.

I look forward to hearing from you.

Sincerely



Dawari D. Dan-Harry

CERTIFICATE OF SERVICE

I, Deanne Ruiz, a non-attorney, hereby certify that on October 5, 2017, I served a true and correct copy of the foregoing **First Request for Admissions of PNC Bank, National Association Directed to Plaintiff, Dawari Dan-Harry** via regular U.S. mail, upon the following:

Todd S. Dion
371 Broadway
Providence, RI 02909


DEANNE RUIZ